Remarks

The present amendment is in response to the action mailed in the above-referenced case on March 30, 2004. Claims 1-28 are presented for examination. Claims 1-6, 8, 9, 15-20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wils et al. (US 6,397,260) hereinafter Wils, in view of Wilford et al (US 6,111,877) hereinafter Wilford. Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wils, Wilford and further in view of Cohen (US 2002/00978736) hereinafter Cohen. Claims 10-12, 14, 24-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wils, Wilford and further in view of Lawler (US 5,978,951) hereinafter Lawler. Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wils, Wilford, Lawler and further in view of Cohen.

Applicant has carefully studied the Examiner's rejections, objections and statements in the Office Action. In response applicant herein presents further arguments which clearly distinguish applicant's claimed invention over the art of Wils and Wilford.

Regarding the rejection of claims 1 and 15, the Examiner states that Wils teaches a plurality of nodes connected by a plurality of links. The Examiner also states that Wils teaches using the node identifying value, selecting a link to transfer the data out of the at least one node (col. 2, lines 54-65).

The last Response filed by Applicant made the argument that the art of Wils does not teach multiple links. Applicant points out to the Examiner that the specification of Wils does not provide any teaching of links between nodes. Wils discloses load balancing between identified nodes in a network. Wils teaching is limited to the "nodes". Wils does not provide teaching at the level of links or paths between the nodes. Applicant now clarifies this argument further by pointing out that Wils does not consider the load on the links between the nodes, or, if there is a plurality of links between two nodes,

the link on which to send the data. Column 2, lines 54-65 fails to specify any type of link selection.

Applicant's claim 1 specifically recites; " using the identifying portion of the data and the node identifying value, generating a link selection value which identifies one of the more than one links connected to the at least one node to transfer the data out of the at least one node. When actually considering the selection of one of multiple links between the same two nodes allows for more efficient loading of the network by splitting traffic among multiple available paths as well as multiple available links within a path.

Applicant argues that Wils fails to teach the load balancing at the link level. Wils is only considering load balancing between "nodes" wherein which link to use between the nodes is not considered.

Applicant argues that a system may have a very efficient and logical load balancing system between two nodes, but if all of the data traffic occurs over the same link, then overloading and degradation of the link connection can occur which will nullify the effectiveness of the load balancing between the nodes. Even if Wils did teach multiple links between two nodes, generating a link selection value which identifies one of the more than one links connected to the at least one node to transfer the data out of the at least one node is not taught or suggested. Wils stops short of teaching any type of load balancing at a link level.

The Examiner relies on the art of Wilford to teach using the identifying portion of the data (source and destination addresses) to generate a link selection value which identifies one of the more than one links connected to the at least one node to transfer data out of the node, so that the order of packets is preserved.

Applicant respectfully argues that Wilford also fails to teach or suggest generating a link selection value which identifies one of the more than one links connected to the at least one node to transfer the data out of the at least

one node. Wilford is concerned with maintaining packet order and not with link selection per se. There is no suggestion in Wilford for using the identifying portion of the data and the node identifying value to generate a link selection value which identifies one of the more than one links connected to the at least one node to transfer the data out of the at least one node, as claimed.

Applicant believes claims 1 and 15 are patentable over the art presented by the Examiner as argued above. Claims 2-14 and 16-28 are patentable on their own merits, or at least as depended upon a patentable claim.

As all of the claims standing for examination have been shown to be patentable over the rejection and objections of the Examiner, applicant respectfully requests reconsideration and that the present case be passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,

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